

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CHRIS HYDEN,

PETITIONER,

V.

ORDER

Civil File No. 11-1597 (MJD/AJB)

WARDEN AT MCF-OAK PARK HEIGHTS,

RESPONDENT.

KATHERINE M. MENENDEZ, ASSISTANT FEDERAL DEFENDER, Counsel for Petitioner.

LORI SWANSON, MINNESOTA ATTORNEY GENERAL, MATTHEW FRANK AND ANGELA
HELSETH KIESE, ASSISTANT ATTORNEYS GENERAL, Counsel for Respondent.

The above-entitled matter comes before the Court upon the Petitioner's objections to the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated July 30, 2012. Petitioner objects to the recommendation that this Court deny his petition, and find that the state court violated his rights under the United States Constitution by denying his request for funds to hire an expert and explore the defense of demonic possession.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **adopts** the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated July 30, 2012.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**
HEREBY ORDERED:

1. Respondent's Motion to Dismiss [Docket No. 15] is **GRANTED**.
2. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by
a Person in State Custody [Docket No. 1] is **DENIED**.
3. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 26, 2012

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court